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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/779,111

02/08/2001

Arnab Das

4-11

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08/03/2006

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EXAMINER

MOORE, IAN N

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/779,111

Applicant(s)

DAS ET AL.

Examiner

Ian N. Moore

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


Continuation of 11. does NOT place the application in condition for allowance because: The applicant arguments on pages 10-20 do not overcome the rejection set forth in final action.

Regarding applicant argument on claims 1,5,23, on Ueno/Teder rejection on page 10, the combine system of Ueno and Teder discloses the limitation "transmitting the first control information associated with the first plurality of data sub-packets repeatedly over a plurality of time slots of a control channel". Ueno discloses transmitting a first control information (see FIG. 8, slot permission in control block; see col. 6, lines 25-28) ...repeatedly over a plurality of time slots (see FIG. 11, 12C, 13B-C; a plurality of control blocks) of a control channel (see FIG. 8, 11, 12C, 13B-C; Control channel/information is transmitted repeatedly over plurality of control blocks); see col. 6, lines 21-28; see col. 7, line 45-55; see col. 13, line 4-14; see col. 13, line 30-40). Teder discloses teaches the data channel being parallel to the control channel (see col. 2, line 40-49; control channel is transmitted in parallel with the data channel). Thus, the combined system of Ueno and Teder teaches the argued limitation. Moreover, Ueno discloses "the "same" first control information" (i.e. CS) associated with packets A and B are repeated since the data from packets A and B are repeated as shown in FIG. 13 A-C. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., identical (page 10, paragraph 1)) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Regarding response to no motivation, see final action page 30-32.

Regarding applicant argument on claims 1 and 23, on Ueno/APA rejection on page 11, the combine system of Ueno and APA discloses the limitation "transmitting the first control information associated with the first plurality of data sub-packets repeatedly over a plurality of time slots of a control channel". Ueno disclose argued limitation as set forth in above response and in final action. Applicant cited prior art teaches the data channel being parallel to the control channel (page 2, lines 3-10, and FIG. 8, labeled "prior art" where control channel are data channel are parallel). Thus, the combined system of Ueno and APA teaches the claimed invention. Regarding response to no motivation, see final action page 32-33.

Regarding applicant argument on claims 1 and 23, on Ueno/ Hearten rejection on page 12, the combine system of Ueno and Hearten discloses the limitation "transmitting the first control information associated with the first plurality of data sub-packets repeatedly over a plurality of time slots of a control channel". Ueno disclose argued limitation as set forth in above response and in final action. Hearten teaches transmitting the first plurality of packets/data repeatedly over a plurality of time slots (see FIG. 4, channels/slots F_cN) of a control channel (see FIG. 4, a set of control channels/slots 50); and transmitting the associated first plurality of packets/data over a plurality of time slots (see FIG. 4, channels/slots F_dtN) of a data channel (see FIG. 4, a set of traffic channels/slots 60), the data channel being parallel to the control channel (see FIG. 4, control set 50 is parallel to traffic set 60); see col. 5, line 40 to col. 6, line 27; control channel is transmitted in parallel with the data channel). Thus, the combined system of Ueno and Hearten teaches the claimed invention. Regarding response to no motivation, see final action page 5-6.

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